

Compliance Assessment Report

Report ID:
CAR_NRW0034369

This form will report compliance with your permit as determined by an NRW officer

Site	Project Yellow Recycling	Permit Ref	AB3298HZ			
Operator/Permit holder	Project Yellow Recycling Limited					
Regime	Waste Operations					
Date of assessment	08/11/2018	Time in	10:00	Out	11:30	
Assessment type	Site Inspection					
Parts of the permit assessed	Infrastructure and operational area					
Lead officer's name	Tye, Laoni					
Accompanied by	Peppicelli, Claudia, Magda Leonowicz					
Recipient's name/position	Tom Prichard and Gareth Danter-Hill/ Director and TCM	Date issued	20/12/2018			

Section 1 – Compliance Assessment Summary

This is based on the requirements of the permit under the Environmental Permitting Regulations or the licence under the Water Resources Act 1991 as amended by the Water Act 2003. A detailed explanation is captured in "Compliance Assessment Report Detail" (Section 2) and any actions you may need to take are given in the "Action(s)" (section 4). This summary details where we believe any non-compliance with the permit has occurred, the relevant condition and how the non-compliance has been categorised using our Compliance Classification Scheme (CCS). CCS Scores can be consolidated or suspended where appropriate, to reflect the impact of some non-compliances more accurately. For more details of our CCS scheme, contact your local office.

Permit conditions and compliance summary	CCS Category	Condition(s) breached
B2 - Infrastructure - Closure and decommissioning	C3	1.1.1 and Table S1.2
C3 - General Management - Materials acceptance	A	
G3 - Monitoring and Records, Maintenance and Reporting - Maintenance records	C3	4.1.2

KEY: See Section 5 for breach categories, suspended scores will be indicated as such.

A = Assessed or assessed in part (no evidence of non-compliance), **X** = Action only,

O = Ongoing non-compliance, not scored.

Number of breaches recorded	2	Total compliance score (see section 5 for scoring scheme)	8
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If the Number of breaches recorded is greater than zero, please see Section 3 for our proposed enforcement response

Section 2 – Compliance Assessment Report Detail

This section contains a report of our findings and will usually include information on:

- The part(s) of the permit that were assessed (eg. Maintenance, training, combustion plant, etc)
- Where the type of assessment was 'Data Review' details of the report/results triggering the assessment
- Any non-compliances identified
- Any non-compliances with directly applicable legislation
- Details of any multiple non-compliances
- Information on the compliance score accrued inc.
- Details of advice given
- Any other areas of concern
- Any actions requested
- Any examples of good practice
- A reference to photos taken

Environment officer Laoni Tye visited site, accompanied by officer Claudia Peppicelli and permitting officer Magda Leonowicz. It was a planned visit to discuss the variation application and to assess any noise coming from the site. We met with site TCM Gareth Danter-Hill who we thank for taking the time to show us around site. It was very wet during the visit and rained heavily. Not all the machinery was in operation during the visit and therefore a thorough noise assessment could not be made. Details of the visit and breaches below.

B3 – Site drainage engineering (clean and foul). Category 3 breach.

Condition 1.1.1 states that the operator shall manage and operate the activities in accordance with a written management system that identifies and minimises risks of pollution, including those arising from operations, maintenance, accidents, incidents, non-conformances, closures and those drawn to the attention of the operator as a result of complaints

And

Table S1.2 states that all waste maybe stored and treated on hardstanding.

There was an EMS signed 12th March 2018 which, under site engineering, says that there is 'a compacted surface of crushed stone which has been laid...to provide suitable hard standing for the operations. Certain sections of the site are wet due to lack of infiltration properties of the surface, these will be uplifted by the placement of suitable aggregates to allow for the surface to be free of pooling rainwater and soft surfaces.

The whole site was very muddy with some deep areas of mud/silt which prohibited us from accessing some of the site. There was a very deep area of mud near to the settlement lagoons which meant we could not check the discharge outlet. Water is not percolating through the hardstanding, causing mud to build up. This can cause issues with silts and sediments washing into the lagoons and into surface water. The hardstanding is not working effectively and will therefore need to be improved.

Action: Please ensure infrastructure is working effectively as it should in line with the permit and associated documentation. There should not be large areas of deep mud and water pooling. This was discussed whilst on site and improvements should be made as soon as possible.

The EMS states that a screen will be fitted to the outlet pipe....to prevent silt from flowing through freely in periods of heavy rainfall.

There was no silt screen fitted to the outlet pipe, this is something that has been discussed previously but has still not been implemented. The lagoons should be working effectively to allow solids to settle before discharging, but the silt screen will act as an additional mitigation measure and is something that you have included in the EMS. The lagoons were not full at the time of the visit and water was therefore contained within the settlement lagoons.

Action: Outlet pipe to be fitted with silt screen in line with EMS.

G3 – Maintenance records. Category 3 breach.

Permit condition 4.1.2 states that the operator shall keep on site all records, plans and the management system required to be maintained by this permit, unless otherwise agreed in writing by Natural Resources Wales.

We requested to see paperwork evidencing any routine checks that are made on site to ensure compliance with the permit and environment management system. We were told that checks are being done routinely but there was no evidence of such on site at the time of the visit. We were advised that the paperwork had been taken home the evening before our visit. Site personnel were aware that we would be coming to site and that we would be wanting to check paperwork and it should therefore have been on site to inspect. This was an issue that was raised during the last inspection also and you are therefore being breached for this.

Action: You must complete paperwork to show that checks are being made on site and this should be legible for NRW to inspect. This is the sites evidence to show that the site is being properly managed.

Copies of routine checks were sent via email following the visit, the 16th November 2018. There were no issues recorded, all boxes were ticked to show that they had been checked and there were no issues. Whilst on site there were large areas of thick mud on site, which suggests that the hardstanding is not working as it should, allowing free water to percolate through. We therefore do not know why this was not picked up and documented at the time. The area around the settlement lagoons was difficult to access due to the waste stored nearby and the deep silty mud, which will likely be making it difficult to check.

Noise monitoring records were not provided as part of the paperwork, which we would expect to see given the recent complaints on site. We have been advised that noise monitoring is being conducted at random intervals but we did not see this on the paperwork.

Action: Please can you confirm whether noise checks are being made and if so can you please provide us with any evidence that you have of this. Please provide this by the 2nd January 2019.

Other comments on the visit

Noise

We stood to the South West of the site outside the site boundary before the meeting. An intermittent sound of some sort of machinery could be heard in the distance, we could not substantiate whether it was coming from site or elsewhere. It was similar to a knocking or hammering type of sound.

The crusher was non-operational while we were on site, which was unfortunate as we wanted to come to site with all usual machinery operating to make a proper noise assessment. We will therefore be conducting a visit at some point in the new year to do this.

There were screeners and 360 grabbers operating on site. There was also a new picking line operating which was sorting civic amenity construction and demolition type waste. There was a noise coming from the screeners, when we enquired about this we were advised it was the sound of the belt. We discussed whether or not this could be leading to noise outside of the site boundary, it made a juddering type of sound which we thought could have led to a noise off site. The sites TCM did not think this would be leading to noise issues as it was not particularly loud on site. We agreed but we are unsure as to how the sound travels in that location due to its location and the fact it is in a sort of valley. We recommend this is monitored when conducting routine checks to ensure it is not a cause of noise.

Hydraulic hammer – permit variation required

Whilst on site we were advised that there were large bits of quarry stone that would not fit in the crusher and would need to be treated using a hydraulic hammer. We have been advised previously that this equipment is not ever used on site at Project Yellow but we now understand that it does need to be used on occasion. We were told that it has not been used on site since the summer however. A request was made during the visit to use it for a few hours a day each week. A permit application would be required to enable the use of this.

We have received sound recordings and complaints from nearby residents who have advised that it is a hydraulic hammering sound which causes a significant noise from site. We therefore believe that some of the complaints could be linked to this machinery specifically. We have had conversations since the visit and it was agreed that should this type of machinery wish to be used on site then a permit variation will be required. This is due to the increased risk of the activity which would not have been assessed when the permit was originally determined. The sites TCM agreed that the machinery would not operate and a variation would be applied for.

Site drainage

The sites TCM discussed the possibility of removing the french drain type drainage system from the site completely. The purpose of the drain was mainly to collect rainwater that comes down from the access road, this could however be diverted before it reaches the storage area on site. We agreed that this could be an option in principle, however, due to the fact that the access road is part of the permitted boundary, this would need to be incorporated into the permit and a variation may be required. Please discuss this with us again should you wish to consider it further.

Photographs



EPR Compliance Assessment Report

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Site	Project Yellow Recycling	Permit Ref	AB3298HZ
Operator/Permit holder	Project Yellow Recycling Limited	Date	08/11/2018

Section 3 – Enforcement Response

You must take immediate action to rectify any non-compliance and prevent repetition. Non-compliance with your permit conditions constitutes an offence and can result in criminal prosecutions and/or suspension or revocation of a permit. Please read the detailed assessment in Section 2 and the steps you need to take in Section 4 below.

Section 4 – Action(s)

This section summarises the actions identified during the assessment along with the timescales for when they will need to be completed.

Criteria Ref.	CCS Category	Action required/advised	Due Date
See Section 1 above			
G3	C3	You must complete paperwork to show that checks are being made on site and this should be legible for NRW to inspect.	02/01/2019
B2	C3	Please ensure infrastructure is working effectively as it should in line with the permit and associated documentation.	31/01/2019

Section 5 – Compliance notes for the Operator

To ensure you correct actual or potential non-compliance we may

- Advise on corrective actions verbally or in writing
- Require you to take specific actions verbally or in writing
- Issue a notice
- Require you to review your procedures or management system
- Change some of the conditions of your permit
- Decide to undertake a full review of your permit

Any breach of a permit condition is an offence and we may take legal action against you

- We will normally provide advice and guidance to assist you to come back into compliance either after an offence is committed or where we consider that an offence is likely to be committed. This is without prejudice to any other enforcement response that we consider may be required.
- Enforcement action can include the issue of a formal caution, prosecution, the service of a notice and/or suspension or revocation of the permit.

See our Enforcement and Civil Sanctions guidance for further information

This report does not relieve the site operator of the responsibility to

- Ensure you comply with the conditions of the permit at all times and prevent pollution of the environment
- Ensure you comply with other legislative provisions which may apply

Non-compliance scores and categories

CCS category	Description	Score
C1	A non-compliance that could have a major environmental effect	60
C2	A non-compliance which could have a significant environmental effect	31
C3	A non-compliance which could have a minor environmental effect	4
C4	A non-compliance which has no potential environmental effect	0.1

Operational Risk Appraisal (Opra) - Compliance assessment findings may affect your Opra score and/or your charges. This score influences the resource we use to assess permit compliance.

Section 6 – General information

Data protection notice

The information on this form will be processed by the Natural Resources Wales (NRW) to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s). The NRW may also use and/or disclose it in connection with:

- Offering/providing you with its literature/services relating to environmental matters
- Consulting with the public, public bodies and other organisations (eg. Health and Safety Executive, local authorities) on environmental issues
- Carrying out statistical analysis, research and development on environmental issues
- Providing public register information to enquirers
- Investigating possible breaches of environmental law
- Assessing customer service satisfaction and improving its service
- Freedom of Information Act/Environmental Regulations request

The NRW may pass it on to its agents/representatives to do these things on its behalf. You should ensure that any persons named on this form are informed of the contents of this data protection notice.

Disclosure of information

The NRW will provide a copy of this report to the public register(s). However, if you consider that any information contained in this report should not be released to the public register(s) on the grounds of commercial confidentiality, you must write to your local area office within fifteen working days of receipt of this form indicating which information it concerns and why it should not be released, giving your reasons in full.

Customer charter

What can I do if I disagree with this compliance assessment report?

If you are unable to resolve the issue with your site officer, you should firstly discuss the matter with officer's line managers using the informal appeals procedure. If you wish to raise your dispute further through our official Complaints and Commendations procedure, phone our general enquiry number 0300 065 3000 (Mon to Fri 08.00 – 18.00) and ask for the Customer Contact team or send an email to enquiries@naturalresourceswales.gov.uk. If you are still dissatisfied you can make a complaint to the Public Services Ombudsman for Wales. For advice on how to complain to the Ombudsman phone their helpline on 0845 607 0987.

Welsh Language

If you would like this form in Welsh please contact your Regulatory Officer.